

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Process to Fill Vacancies of Elected Offices other than Board of Supervisors

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Purpose

To establish a procedure for appointment of Elected County Officers other than Supervisors for which the Board of Supervisors has the power to fill the vacancy and which provides an open process allowing for citizen participation.

Background

Charter of the County of San Diego, Section 500.2, provides that the Board has the power to fill, by appointment, any vacancy that occurs in an elective office. The appointee holds office until the election and qualification of successor. The successor is elected at the next primary election, or at the next primary and general elections, to complete the term, if it does not expire the following January, or to begin a new term of office.

Policy

It is the policy of the Board of Supervisors that when a vacancy occurs in an elected office, other than a member of the Board of Supervisors, the following procedures shall be followed to fill that vacancy:

1. The Board of Supervisors shall approve the deadline for acceptance of applications and determine dates for two public hearings and adopt any additional procedures governing the appointment process. The Board shall also approve the form of notice the Clerk is to advertise for the position, including newspaper advertisements and news releases.

2. Applications will be obtained and filed at the Office of the Clerk of the Board of Supervisors. All applicants must personally appear to obtain and file the required application forms. All applicants shall be required to provide to the Board by the filing deadline:

(a) A statement of qualifications,

(b) Affidavit of applicants for appointment certifying, under the penalty of perjury, that the applicant is a California citizen, over the age of 18, is not disqualified from holding office because of conviction of crimes, and fulfills the residency and elector requirements established by the County Charter, and any other qualification required by law.

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The application form will include the following:

- (a) Full name, residence address for the past five years.
- (b) Current resume containing, as a minimum, all employment for the previous five years.
- (c) Date and place of birth.
- (d) A written statement outlining the qualifications of the applicant for that office (500 words maximum).
- (e) A written statement explaining the applicant's reasons for wishing to be appointed to the office.
- (f) A Statement of Economic Interests form of the type required to be filed by the incumbent of the public office for which appointment is to be made.

The Clerk of the Board shall provide to each applicant copies of any pertinent State law, County Ordinance or policy relating to the vacancy.

Applicants may be requested to provide the Board with additional information, including answers to questions submitted by members of the Board of Supervisors.

3. The Clerk of the Board will make copies of all completed application forms at the close of each business day during the filing period. These will be consolidated into a packet, three (3) copies of which shall be distributed to the office of each Supervisor the morning of the next business day for their review. These packets will also be made available to the media after delivery to the Board offices.

4. At the first hearing before the Board, each applicant shall be given three minutes to make an oral presentation. After all applicants have made their presentation to the Board, the Chair shall allow each Supervisor to ask questions of any applicant.

After the presentation and question period has been concluded, the Board shall, on written ballots provided by the Clerk of the Board, select no more than five (5) finalists from among those who have applied.

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5. Each Supervisor may vote for up to five (5) applicants. The Clerk shall announce the results, publicly recording each Supervisor's vote. The five applicants receiving the largest number of votes will be chosen as finalists. Any ties will be broken by subsequent vote among only the applicants tied for a remaining finalist(s) position(s). The Clerk shall announce the votes of each Board member after each round of balloting.

Supervisors may also require each finalist to provide the Board with a medical certification, permission to conduct credit and police checks and written responses to any questions of any applicant.

6. The second hearing shall be held not less than three days following the first hearing. Each finalist shall make an oral presentation.

After applicant presentations, the Chair shall allow each Board member to ask questions of the applicants. At the conclusion of the question period, the Board shall, on written ballots provided by the Clerk of the Board, vote for one of the finalists to fill the unexpired term. Balloting shall continue at this or subsequent meetings until an appointment is made. The Clerk shall announce the vote of each Board member after each round of balloting.

Whenever any applicant receives three (3) or more votes, the Chair shall declare that three (3) members of the Board have concurred in the selection of such applicant and that such applicant shall be declared by the Chair to be appointed to fill the vacant office. The person so appointed shall be prepared to formally assume the office not later than twenty (20) business days following the selection by the Board of Supervisors.

Sunset Date

This policy will be reviewed for continuance by 12-31-11.

Board Action

5-6-86 (44)

3-3-92 (23)

9-29-92 (36)

5-11-04 (04)

CAO Reference

1. Board of Supervisors

2. County Counsel

3. Clerk of the Board of Supervisors